IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7657 of 2007()

CRIME 69/07 OF CHELANNUR EXCISE RANGE

PETITIONER/ACCUSED

K.SATHI, W/O PRAKASHAN,
EDAKANDY MEETHAL, OLOPPARA P.O.,
KANNANKARA, CHELANNUR AMSOM,
KANNANKARA DESOM.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE EXCISE INSPECTOR,
CHELANNUR EXVCISE RANGE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7657 OF 2007

Dated this the 12th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner – woman, faces allegations in a crime registered under the Kerala Abkari Act. On 11.11.07 she, against whom it is alleged that there is another case under the Kerala Abkari Act pending, was allegedly found to be in possession of 12 litres of wash. The petitioner could not be arrested as the detecting party did not consist any woman official. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays that anticipatory bail may be granted to the petitioner. The learned Public Prosecutor opposes the same.

3. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify the invocation of the extraordinary equitable discretion

under Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioner must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

4. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

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